
SENATE BILL 5755

State of Washington

58th Legislature

2003 Regular Session

By Senators Keiser, Franklin, Prentice, Kohl-Welles and Kline

Read first time 02/11/2003. Referred to Committee on Commerce & Trade.

1 AN ACT Relating to apprenticeship utilization requirements on
2 public works projects; and adding new sections to chapter 39.04 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A well-trained construction trades work
5 force is critical to the ability of the state of Washington and its
6 political subdivisions to construct public works. Studies of the
7 state's work force highlight population trends that, without a
8 concerted effort to offset them, will lead to an inadequate supply of
9 skilled workers in the construction industry. State and local
10 governments regularly construct public works. The efficient and
11 economical construction of public works projects will be harmed if
12 there is not an ample supply of trained construction workers.
13 Apprenticeship training programs are particularly effective in
14 providing training and experience to individuals seeking to enter or
15 advance in the work force. By providing for apprenticeship utilization
16 on public works projects, state and local government can provide
17 training and experience that will help assure that a trained work force
18 will be available in sufficient numbers in the future for the
19 construction of public works.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout sections 1 through 3 of this act unless the context clearly
3 requires otherwise.

4 (1) "Apprentice" means an apprentice enrolled in a state-approved
5 apprenticeship training program.

6 (2) "Apprentice utilization requirement" means the requirement that
7 the appropriate percentage of labor hours within each separate craft or
8 trade be performed by apprentices of that craft or trade.

9 (3) "Labor hours" means the total hours of workers receiving an
10 hourly wage who are directly employed on the site of the public works
11 project. "Labor hours" includes hours performed by workers employed by
12 the contractor and all subcontractors working on the project. "Labor
13 hours" does not include hours worked by foremen, superintendents,
14 owners, and workers who are not subject to prevailing wage
15 requirements.

16 (4) "Public works" includes those projects encompassed by RCW
17 39.04.010 and 39.04.260.

18 (5) "State-approved apprenticeship training program" means an
19 apprenticeship training program approved by the Washington state
20 apprenticeship council.

21 NEW SECTION. **Sec. 3.** (1) From July 1, 2003, through December 31,
22 2003, for all public works estimated to cost two million dollars or
23 more, all specifications shall require that no less than ten percent of
24 the labor hours within each trade be performed by apprentices of that
25 trade.

26 (2) From January 1, 2004, through December 31, 2004, for all public
27 works estimated to cost two million dollars or more, all specifications
28 shall require that no less than twelve percent of the labor hours
29 within each trade be performed by apprentices of that trade.

30 (3) From January 1, 2005, and thereafter, for all public works
31 estimated to cost one million dollars or more, all specifications shall
32 require that no less than fifteen percent of the labor hours within
33 each trade be performed by apprentices of that trade.

34 (4) Work shall not be divided among contractors or subcontractors
35 in order to evade the requirements of this section. Where two or more
36 contractors or subcontractors perform work within a trade, all such

1 contractors or subcontractors shall comply with the requirements of
2 this section.

3 (5) All contractors and subcontractors subject to this section
4 shall provide payroll reports on at least a monthly basis to the
5 awarding agency or political subdivision awarding the work, certifying
6 the names of all workers performing labor hours, their trade, hours
7 worked, and designation as journey level worker or apprentice.

8 (6) The awarding agency or political subdivision may adjust the
9 requirements of this section for a specific project for the following
10 reasons:

11 (a) The demonstrated lack of availability of apprentices in
12 specific geographic areas;

13 (b) A disproportionately high ratio of material costs to labor
14 hours, which does not make feasible the required minimum levels of
15 apprentice participation; or

16 (c) Other criteria the awarding agency director deems appropriate,
17 which is subject to prior review and approval by the apprenticeship
18 program manager of the department of labor and industries.

19 (7) The failure by a contractor to comply with the apprentice
20 utilization requirement shall be deemed a breach of contract for which
21 the state or the municipality is entitled to all remedies allowed by
22 law and under the contract. Failure to comply with the apprentice
23 utilization requirement may be considered evidence bearing on a
24 contractor's qualification for award of future contracts.

25 (8) This section does not apply to agencies and political
26 subdivisions that adopt requirements for apprenticeship utilization on
27 public works projects that equal or exceed those set forth in this
28 section.

29 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are each
30 added to chapter 39.04 RCW.

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